

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DOUGLAS POWERS,  
Plaintiff,

v.

CENTRAL WHOLESALE NURSERY,  
LLC,  
Defendant.

Case No. 21-cv-08497-VKD

**ORDER TO SHOW CAUSE RE  
SETTLEMENT**

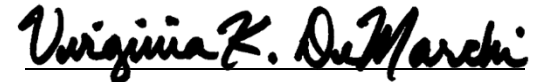
The Court having been informed that the parties have agreed to a settlement, all previously scheduled deadlines and appearances are VACATED.

On or before **October 17, 2022**, plaintiff shall file a voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(i). Rule 41(a)(1) permits a plaintiff to voluntarily dismiss a case without a court order (i) by notice if the defendants have not filed an answer or motion for summary judgment, or (ii) by stipulation signed by all parties who have appeared. Because defendants have not yet appeared, plaintiff may file a notice of dismissal pursuant to Rule 41(a)(1)(i).

If a dismissal is not filed by the specified date, then the parties shall appear in Courtroom 2, 5th Floor, 280 South First Street, San Jose, California on **November 1, 2022, 10:00 a.m.** and show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(a). Additionally, the parties shall file a statement in response to this Order to Show Cause no later than **October 25, 2022** advising as to (1) the status of the activities of the parties in finalizing settlement; and (2) how much additional time, if any, is requested to finalize the settlement and file the dismissal. If a dismissal is filed as ordered, the Order to Show Cause hearing will be automatically vacated and the parties need not file a statement in response to this Order.

**IT IS SO ORDERED.**

Dated: August 22, 2022

  
VIRGINIA K. DEMARCHI  
United States Magistrate Judge

United States District Court  
Northern District of California